

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1962)

Complete if Known	
Application Number	09/668,144
Filing Date	September 25, 2000
First Named Inventor	WILLIAMS
Examiner Name	Colaianni, M.
Group / Art Unit	1731
Attorney Docket No.	04859.00006

METHOD OF PAYMENT (check one)								
1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:								
Deposit Account Number	19-0733							
Deposit Account Name	Banner & Witcoff, LTD							
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27								
2. <input type="checkbox"/> Payment Enclosed:								
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other								
FEE CALCULATION								
1. BASIC FILING FEE								
Large Entity	Fee (\$)	Small Entity	Fee (\$)	Fee Description				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Paid				
101	740	201	370	Utility filing fee				
106	330	206	165	Design filing fee				
107	510	207	255	Plant filing fee				
108	740	208	370	Reissue filing fee				
114	160	214	80	Provisional filing fee				
SUBTOTAL (1)				(\$ 0)				
2. EXTRA CLAIM FEES								
Total Claims	64	33 **	= 31	Extra Claims	X 18	= 558	Fee from below	Fee Paid
Independent Claims	12	4*	= 8	X 84	= 672			
Multiple Dependent				X 0	= 0			
Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Paid				
103	18	203	9	Claims in excess of 20				
102	84	202	42	Independent claims in excess of 3				
104	280	204	140	Multiple dependent claim, if not paid				
109	84	209	42	** Reissue independent claims over original patent				
110	18	210	9	** Reissue claims in excess of 20 and over original patent				
SUBTOTAL (2)				(\$ 1230)				
** or number previously paid, if greater; For Reissues, see above					Other fee (specify) Difference in filing fee for large entity + Term. Discl.			
					*Reduced by Basic Filing Fee Paid			
					SUBTOTAL (3) (\$ 732)			

FEE CALCULATION (continued)

SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Paul M. Rivard	Registration No. Attorney/Agent)	43,446	Telephone	(202) 508-3500	TE
Signature	<i>Paul M. Rivard</i>			Date	December 5, 2001	5

WARNING: Information on this form may become public. Credit card Information should not be included on this form. Provide credit card Information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Jonnie R. WILLIAMS)
Serial No.: 09/668,144) Group Art Unit: 1731
Filed: September 25, 2000) Examiner: M. Colaianni
For: METHOD OF TREATING TOBACCO TO) Atty. Dkt. No.: 04859.00006
REDUCE NITROSAMINE CONTENT, AND)
PRODUCTS PRODUCED THEREBY)

SUBMISSION UNDER 37 C.F.R. § 1.28

The Honorable Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. § 1.28, Applicant hereby pays the difference between the Filing Fee previously paid in the small entity amount and the current Filing Fee amount for a non-small entity. By rule, this submission also operates to advise the USPTO pursuant to 37 C.F.R. § 1.27(g)(2) that small entity status no longer is claimed in the above-captioned application. See 37 C.F.R. § 1.28(d).

Statement of Facts

1. During August 2000, Regent Court Technologies (at all times assignee) and Star Tobacco & Pharmaceuticals, Inc. (then the exclusive licensee) entered into a restated loan agreement with Brown & Williamson Tobacco Corporation ("B&W"). In connection with the restated loan agreement, Regent Court Technologies ("Regent Court") and Star Tobacco & Pharmaceuticals, Inc. ("Star") granted to B&W a security interest. As a security interest, B&W could exercise a royalty free license to practice the invention of the subject application only upon an uncured default in the loan agreement on the part of Regent Court or Star.
 2. The undersigned was unaware of the August 2000 security interest granted to B&W at the time the Filing Fee was paid, so that any possible relevance of that security interest was not considered. The Filing Fee was paid on the basis of small entity status, a status which was applicable to both Regent Court and Star as small business concerns.
 3. The undersigned believes that at the time the Filing Fee was paid, B&W, though clearly not a small business concern, did not own "rights in the invention" within the meaning of 37 C.F.R. §

1.27(a)(2)(i), i.e., "those [rights] in the United States to be covered by the application or patent." M.P.E.P. § 509.02. It is believed that the payment of the Filing Fee in the small entity amount was appropriate under 37 C.F.R. § 1.27(a)(2) because each entity then owning rights in the invention qualified as a small business concern.

4. Nonetheless, out of an abundance of caution and to put any possible later challenge to rest, Applicant wishes to withdraw its claim to small entity status and hereby authorizes payment of a full Filing Fee in the subject application.

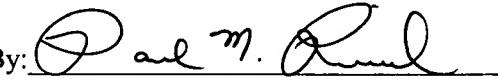
Payment of Deficiency Owed Pursuant to 37 C.F.R. § 1.28(c)(2)(ii)

Please charge \$ 622 for the Filing Fee and surcharge deficiency to our Deposit Account 19-0733. The deficiency is calculated as follows (the fees are based on claims as originally filed):

<u>Current Fee for Non-Small Entity</u>	<u>Amount Previously Paid</u>	<u>Deficiency Owed</u>
\$ 740 base filing fee	\$ 345	\$ 395
\$ 84 one (1) independent claim in excess of 3	\$ 39	\$ 45
\$ 234 13 dependent claims in excess of 20	\$ 117	\$ 117
\$ 130 surcharge for late filing of declaration	\$ 65	\$ 65
<hr/> TOTAL	\$ 1188	\$ 566
		<hr/> \$ 622

If the calculated amount is incorrect, the Director is authorized to charge any deficiency or credit any overpayment to our Deposit Account 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.

By: 
Paul M. Rivard
Registration No. 43,446

Date: December 5, 2001

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